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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 VICTOR CAPERON,

14 Defendant.  
15

Criminal Case No. 07CR3029-BTM

**FINDINGS OF FACT AND ORDER OF  
DETENTION**

16 In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 *et seq.*),  
17 this Court conducted a detention hearing on June 18, 2008, to determine whether Victor Caperon  
18 (“the defendant”) should be held in custody pending trial, on the grounds that he is a flight risk.  
19 Assistant U.S. Attorney Rebecca Kanter appeared on behalf of the United States. Attorney Erick  
20 Guzman appeared on behalf of the defendant.

21 Based on the evidence proffered by the United States and by the defendant, the Pretrial  
22 Services Report, and the Indictment, the Court concludes that the following facts establish by a  
23 preponderance of the evidence that no condition or combination of conditions will reasonably  
24 assure the appearance of the defendant as required.

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I.

**FINDINGS OF FACT**

**A. Nature and Circumstances of the Offense Charged (18 U.S.C. § 3142(g)(1))**

1. Victor Caperon is charged in the Southern District of California in Criminal with one count of Escape in violation of Title 18, United States Code Sections 751(a) and 4082(a).

2. The nature of the charged offense is escape, therefore this factor weighs in favor of detention.

**B. Weight of the Evidence Against the Defendant (18 U.S.C. § 3142(g)(2))**

While admittedly the least important factor, the Court finds based on the indictment filed in the Southern District of California that probable cause exists that the defendant committed the instant offense and this factor weighs in favor of detention.

**C. History and Characteristics of the Defendant (18 U.S.C. § 3142(g)(3))**

1. There is some adverse information regarding the defendant's character, including the fact that his prior criminal conduct put his wife's family's Section 8 housing in jeopardy. Therefore, this factor weighs in favor of detention;

2. Although the defendant has a broken ankle, this factor does not necessarily weigh in favor or against the defendant and is regarded as neutral by the Court;

3. Because the defendant has some family ties in this community, including his wife, child and mother-in-law, this factor weighs in favor of setting bail;

4. Because the defendant no stable employment to act as an anchor in the community, this factor weighs in favor of detention;

5. Because the defendant has no financial resources in the community, this factor weighs in favor of detention;

6. Because the defendant is a United States citizen and resident, this factor weighs in favor of setting bail;

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1 While in custody, upon order of a court of the United States or upon the request of an  
2 attorney for the United States, the person in charge of the correctional facility shall deliver the  
3 defendant to the United States Marshal for the purpose of an appearance in connection with a court  
4 proceeding or any other appearance stipulated to by defense and government counsel.

5 THIS ORDER IS ENTERED WITHOUT PREJUDICE.

6 IT IS SO ORDERED.

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9 DATED: June 20, 2008

  
The Honorable Ruben B. Brooks  
United States Magistrate Judge

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11 Prepared by:

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13 Rebecca Kanter  
Assistant U.S. Attorney

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15 cc: Erick Guzman, Esq.  
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